



Reducing police use of force: Case studies and prospects



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ABSTRACT

Police codes of conduct require officers to use the minimum amount of force when enforcing laws and maintaining order. At the same time, the use of excessive or unnecessary force is a major problem internationally. The purpose of this paper is to address the possibility of reducing violence in police–citizen encounters and controlling police use of force, especially at the levels that cause injuries and threaten public trust and confidence in the police. A search of the literature was conducted to identify case study reports of apparent success in this area, focused on intervention projects with time series data. Seven cases were selected and analyzed, covering a variety of indicators of force and excessive force. Our study shows that police departments can reduce the levels of force used to enforce laws and maintain order. Strategies identified in the review targeted individual, cultural and organizational factors and included equipping officers at the individual level with the appropriate skills, and providing a framework of internal and external accountability. In particular, we show the value of a Problem Oriented Policing (POP) approach that focuses on diagnostic research, tailor-made interventions, and impact evaluation.

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1. Introduction

Policing is widely described as involving the use of force in pursuit of goals of law enforcement, crime prevention and order maintenance (Lersch & Mieczkowski, 2005). Police are expected, on occasions, to

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subdue suspects physically, and this can involve serious injury or even death. The right to use force is necessary, but it entails the potential for officers to misuse this authority and engage in unnecessary or excessive force. Consequently, criminal and civil laws normally specify conditions under which police may use force lawfully (McCoy, 2010). Police codes of conduct have also been developed to clearly identify standards. Codes normally make explicit the requirement that police use minimal force that would be considered reasonable in the circumstances in proportion to the threat or seriousness of the offense, and only as a last resort option (e.g., *International Association of Chiefs of Police, 2002*). The United Nations *Code of Conduct for Law Enforcement Officials* stresses how the principle of minimal force should apply regardless of specific law or policies in any jurisdiction. Special mention is also made of the need to control the use of firearms by police, with their added potential for deadly effect:

The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. ... In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities (*United Nations, 1979, p. 2*; see also *United Nations, 1990*).

Within these legal and ethical frameworks, police can be disciplined departmentally for unjustifiable force, and they can also be charged criminally for assault. There is also usually a capacity for citizens who believe they are victims of excessive force to make an official complaint or seek a remedy by suing police in the civil courts (McCoy, 2010).

Despite various internal and external controls, inappropriate and excessive force by police has been an ongoing major problem in many countries. For example, a 1998 report on police brutality in the United States found that:

Police abuse remains one of the most serious and divisive human rights violations in the United States. The excessive use of force by police officers, including unjustified shootings, severe beatings, fatal chokings, and rough treatment, persists because overwhelming barriers to accountability make it possible for officers who commit human rights violations to escape due punishment and often to repeat their offenses (*Human Rights Watch, 1998, p. 25*).

Findings like these are a commonplace of judicial inquiries, government reviews, and academic research around the world (Alpert & Dunham, 2004; Bayley, 1996; Porter & Prenzler, 2012). Further, the list of types of excessive force can be extended beyond those in the Human Rights Watch summary, including torture, dangerous vehicle pursuits, and the violent suppression of public protests – including with dogs, whips and batons.

There is a growing body of research that examines levels and types of police force. In most democratic countries, the use of force is rare compared to the total number of police–citizen encounters (Lersch & Mieczkowski, 2005). One of the more widely cited sources is a periodic interview-based survey conducted by the United States Department of Justice. The 2008 survey included slightly fewer than 60,000 respondents. It found that only 16.9% of respondents aged 16 and over had face-to-face contact with police. Of these, 1.4% said they had force ‘threatened or used against them during their most recent contact’ (Eith & Durose, 2011, p. 12). This was projected to amount to approximately 574,000 persons. Within this group, 76.6% said they had been threatened with force, 75.5% said they had been shouted at, 53.5% said they had been grabbed or pushed, 25.6% said a gun was pointed at them, 12.6% said they had been hit or kicked; and 18.9% said they were injured (p. 13). In addition, within this same group, 83.9% felt the police ‘acted improperly’ and 74.3% believed the force was ‘excessive’ (about 517,000 persons) (2011, pp. 13–14).

While police use of force is ‘rare’, its study and management are extremely important because force ‘can cause injuries to officers and/or citizens and is the major police issue that leads to community unrest

and negative attitudes toward the police’ (Alpert & Dunham, 2010, p. 236). Aside from the various forms of injury and injustice experienced by victims of police violence, taxpayers also bear the cost of complaints investigations and successful lawsuits (Porter & Prenzler, 2012). It is also the case that police themselves are often the victims of inadequate force policies and training.

Lersch and Mieczkowski (2005) reviewed the literature on violent police behavior and noted three broad theoretical perspectives on the causes: psychological theories that focus on individual officers as ‘rotten apples’, sociological theories that focus on the culture of policing as isolated from non-police, and organizational theories that focus on the systems in place within an organization for managing its members. Lersch and Mieczkowski (2005) note that none of these approaches is adequate alone as an explanation of why some officers act violently, while other officers do not.

Various forms of cross-sectional and predictive studies have been applied to police use of force, often with very mixed results (e.g., Alpert & Dunham, 2010; Harris, 2009; Klahm & Tillyer, 2010; Klingler, 2010; Lersch & Mieczkowski, 2005; Reiss, 1971; Terrill & Mastrofski, 2002). Complaints about excessive force are often concentrated among a small number of ‘problem officers’. Not surprisingly, it also tends to be the younger, less experienced, front-line, officers who are more likely to use force and more likely to attract complaints. While these officers may be assigned to places and times that are dangerous, there is evidence that young officers also use more force and higher levels of force than their experienced counterparts. There is also some evidence that female officers are less likely than male officers to use force and attract complaints (Braithwaite & Brewer, 1998; Lersch & Mieczkowski, 2005; Waugh, Ede, & Alley, 1998). It appears that this is partly because female officers are simply less likely to attract male aggression, but the conciliatory style of women police is also a key factor. There is also some evidence that better educated officers are less likely to use force (Rydberg & Terrill, 2010; Terrill & Mastrofski, 2002). These findings support the individual-level explanation for use of force noted above. Lersch and Mieczkowski (2005), while not explicitly linking to the theory, note that strategies focused on individual level factors have been put in place to deal with excessive force, such as Early Warning Systems that target officers with high numbers of complaints, or increasing the hiring of female officers.

Lersch and Mieczkowski (2005) discuss the importance of internal control of organizations in managing police force, which would seem to be linked to organizational theories of police behavior. Indeed, there is some broad evidence that tightened law and policy in regard to justifications for the use of firearms has led to reduced discharges and fatalities (Walker & Fridell, 1992). There has also been considerable interest in recent years on the effects of ‘less-than-lethal’ weapons, including OC (‘pepper’) spray and CEWs (conducted electronic weapons or ‘Tasers’®). Despite the potential for misuse, studies of force incidents show that those involving these weapons result in far fewer injuries to citizens and police than incidents involving hands on force (Alpert & Dunham, 2010; Sousa, Ready, & Ault, 2010; Taylor & Woods, 2010; Thomas, Collins, & Lovrich, 2010).

Use of force also tends to be more common in higher crime areas, and younger males are more likely to be on the receiving end of police force. Not surprisingly, persons suspected of crimes are much more likely to have force used against them. Ethnic or racial minorities are also more likely to experience force (Holmes & Smith, 2012). Discrimination can be a factor, but higher crime rates can be part of the problem. Holmes and Smith (2012) argue that neighborhood factors, particularly of minority disadvantage, evoke social psychological processes that result in excessive force responses. Community policing was discussed by Lersch and Mieczkowski (2005) as a strategy to reduce excessive force. Community policing not only makes police officers more visible and accountable within communities, but also encourages community contact that could help to reduce stereotypes and feelings of difference that can encourage an isolated police culture.

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